

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-103. Commercial Hazardous Waste Facility Siting Criteria.

R315-103-1. Commercial Hazardous Waste Facility Siting Criteria - Authority.

Subsection 19-6-105(3) requires that criteria for siting commercial hazardous waste treatment, storage, and disposal facilities be established.

R315-103-2. Commercial Hazardous Waste Facility Siting Criteria - Applicability.

Rule R315-103 applies to all permit applications for commercial hazardous waste treatment, storage, and disposal facilities.

R315-103-3. Commercial Hazardous Waste Facility Siting Criteria - Land Use Compatibility and Location.

(a) Siting of commercial hazardous waste treatment, storage, and disposal facilities, including commercial hazardous waste incinerators, is prohibited within:

(1) national, state, and county parks, monuments, and recreation areas; designated wilderness and wilderness study areas; wild and scenic river areas;

(2) ecologically and scientifically significant natural areas, including but not limited to, wildlife management areas and habitat for listed or proposed endangered species as designated pursuant to the Endangered Species Act of 1982;

(3) 100 year floodplains, unless, for non-land based facilities only, the conditions found in subsection R315-264-18 are met to the satisfaction of the Director;

(4) 200 ft. of Holocene faults;

(5) underground mines, salt domes and salt beds;

(6) dam failure flood areas;

(7) areas likely to be impacted by landslide, mudflow, or other earth movement;

(8) farmlands classified or evaluated as "prime," "unique," or of "statewide importance" by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act;

(9) areas above aquifers containing ground water which has a total dissolved solids (TDS) content of less than 500 mg/l and which does not exceed applicable ground water quality standards for any contaminant. Land disposal facilities are also prohibited above aquifers containing ground water which has a TDS content of less than 3000 mg/l and which does not exceed applicable ground water quality standards for any contaminant. Non-land-based facilities above aquifers containing ground water which has a TDS content of 500 to 3000 mg/l and all facilities above aquifers containing ground water which has a TDS content between 3000 and 10,000 mg/l are permitted only where the depth to ground water is greater than 100 ft. The applicant

for the proposed facility shall make the demonstration of ground water quality necessary to determine the appropriate aquifer classification;

(10) recharge zones of aquifers containing ground water which has a TDS content of less than 3000 mg/l. Land disposal facilities are also prohibited in recharge zones of aquifers containing ground water which has a TDS content of less than 10,000 mg/l;

(11) designated drinking water source protection areas or, if no source protection area is designated, a distance to existing drinking water wells and watersheds for public water supplies of one year ground water travel time plus 1000 feet for non-land-based facilities and five years ground water travel time plus 1000 feet for land disposal facilities. This requirement does not include on-site facility operation wells. The applicant for the proposed facility shall make the demonstration, acceptable to the Director, of hydraulic conductivity and other information necessary to determine the one or five year ground water travel distance as applicable. The facility operator may be required to conduct vadose zone or other near surface monitoring if determined to be necessary and appropriate by the Director;

(12) five miles of existing permanent dwellings, residential areas, and other incompatible structures including, but not limited to, schools, churches, and historic structures;

(13) five miles of surface waters including intermittent streams, perennial streams, rivers, lakes, reservoirs, estuaries, and wetlands; and

(14) 1000 ft. of archeological sites to which adverse impacts cannot reasonably be mitigated.

R315-103-4. Commercial Hazardous Waste Facility Siting Criteria - Emergency Response and Transportation Safety.

(a) An assessment of the availability and adequacy of emergency services, including medical and fire response, shall be included in the permit application. The application shall also contain evidence that emergency response plans have been coordinated with local and regional emergency response personnel. The permit may be delayed or denied if these services are deemed inadequate.

(b) Trained emergency response personnel and equipment are to be retained by the facility and be capable of responding to emergencies both at the site and involving wastes being transported to and from the facility within the state. Details of the proposed emergency response capability shall be given in the permit application and shall be stipulated in the permit.

(c) Proposed routes of transport within the state shall be specified in the permit application. No hazardous waste shall be transported on roads where weight restrictions for the road or any bridge on the road will be exceeded in the selected route of travel. Prime

consideration in the selection of routes shall be given to roads which bypass population centers. Route selection should consider residential and non-residential populations along the route; the width, condition, and types of roads used; roadside development along the route; seasonal and climatic factors; alternate emergency access to the facility site; the type, size, and configuration of vehicles expected to be hauling to the site; transportation restrictions along the proposed routes; and the transportation means and routes available to evacuate the population at risk in the event of a major accident, including spills and fires.

R315-103-5. Commercial Hazardous Waste Facility Siting Criteria - Exemptions.

Exemptions from the criteria of this section may be granted upon application on a case by case basis by the Waste Management and Radiation Control Board after an appropriate public comment period and when the Board determines that there will be no adverse impacts to public health or the environment. The Board cannot grant exemptions which would conflict with applicable regulations and restrictions of other regulatory authorities.

R315-103-6. Commercial Hazardous Waste Facility Siting Criteria - Completeness of Application.

The permit application shall not be considered complete until the applicant demonstrates compliance with the criteria given herein.

R315-103-4. Commercial Hazardous Waste Facility Siting Criteria - Siting Authority.

It is recognized that Titles 10 and 17 of the Utah Code give cities and counties authority for local land use planning and zoning. Nothing in these rules precludes cities and counties from establishing additional requirements as provided by applicable state and federal law.